

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12346 MLW

MARLOW WILLIAMS, SR.,
Plaintiff.

v.

GRANT CALLENDAR, OTIS
HAREWOOD, GREG LONG,
BRIAN ALBERT, EDWARD
MEADE, JOHN CONROY, AND
THE CITY OF BOSTON,
Defendants.

**ANSWER OF THE DEFENDANT GRANT CALLENDAR TO
PLAINTIFF'S COMPLAINT, WITH AFFIRMATIVE DEFENSES AND JURY DEMAND**

NOW COMES Grant Callendar, Defendant in the above-entitled
action, and hereby answers the Plaintiff's Complaint
("Complaint"), as follows:

PARTIES

1. Defendant Grant Callendar states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph one of the Complaint, and therefore, neither admits nor denies said allegations.
2. Defendant Grant Callendar admits the allegations contained in Paragraph two of the Complaint.
3. Defendant Grant Callendar admits the allegations contained in Paragraph three of the Complaint.
4. Defendant Grant Callendar admits the allegations contained in Paragraph four of the Complaint.

5. Defendant Grant Callendar admits the allegations contained in Paragraph five of the Complaint.

6. Defendant Grant Callendar admits the allegations contained in Paragraph six of the Complaint.

7. Defendant Grant Callendar admits the allegations contained in Paragraph seven of the Complaint.

8. Defendant Grant Callendar states that Paragraph eight of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations in Paragraph eight are denied.

COUNT I

1. Defendant Grant Callendar states that Paragraph one of Count I of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations contained in Paragraph one of Count I are denied.

2. Defendant Grant Callendar denies the allegations contained in Paragraph two of Count I of the Complaint.

3. Defendant Grant Callendar denies the allegations contained in Paragraph three of Count I of the Complaint.

4. Defendant Grant Callendar denies the allegations contained in Paragraph four of Count I of the Complaint.

5. Defendant Grant Callendar denies the allegations contained in Paragraph five of Count I of the Complaint.

6. Defendant Grant Callendar states that Paragraph six of Count I of the Complaint contains legal conclusions, and therefore no response is required.

7. Defendant Grant Callendar denies the allegations contained in Paragraph seven of Count I of the Complaint.

COUNT II

1. Defendant Grant Callendar states that Paragraph one of Count II of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer

is required, the allegations contained in Paragraph one of Count II are denied.

2. Defendant Grant Callendar denies the allegations contained in Paragraph two of Count II of the Complaint.

3. Defendant Grant Callendar denies the allegations contained in Paragraph three of Count II of the Complaint.

4. Defendant Grant Callendar denies the allegations contained in Paragraph four of Count II of the Complaint.

5. Defendant Grant Callendar denies the allegations contained in Paragraph five of Count II of the Complaint.

6. Defendant Grant Callendar denies the allegations contained in Paragraph six of Count II of the Complaint.

7. Defendant Grant Callendar states that Paragraph seven of Count II of the Complaint contains legal conclusions, and therefore no response is required.

8. Defendant Grant Callendar denies the allegations contained in Paragraph eight of Count II of the Complaint.

COUNT III

1. Defendant Grant Callendar states that Paragraph one of Count III of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations contained in Paragraph one of Count III are denied.

2. Defendant Grant Callendar denies the allegations contained in Paragraph two of Count III of the Complaint.

3. Defendant Grant Callendar denies the allegations contained in Paragraph three of Count III of the Complaint.

4. Defendant Grant Callendar denies the allegations contained in Paragraph four of Count III of the Complaint.

5. Defendant Grant Callendar denies the allegations contained in Paragraph five of Count III of the Complaint.

6. Defendant Grant Callendar denies the allegations contained in Paragraph six of Count III of the Complaint.

7. Defendant Grant Callendar states that Paragraph seven of Count III of the Complaint contains legal conclusions, and therefore no response is required.

8. Defendant Grant Callendar denies the allegations contained in Paragraph eight of Count III of the Complaint.

COUNT IV

Paragraphs 1-7 of Count IV of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT V

Paragraphs 1-8 of Count V of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT VI

Paragraphs 1-8 of Count VI of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT VII

Paragraphs 1-7 of Count VII of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT VIII

Paragraphs 1-8 of Count VIII of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT IX

Paragraphs 1-8 of Count IX of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT X

Paragraphs 1-7 of Count X of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT XI

Paragraphs 1-8 of Count XI of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT XII

Paragraphs 1-8 of Count XII of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT XIII

Paragraphs 1-7 of Count XIII of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT XIV

Paragraphs 1-8 of Count XIV of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT XV

Paragraphs 1-8 of Count XV of the Complaint contain allegations against a Defendant other than Grant Callendar, and

therefore no response from Defendant Grant Callendar is required.

COUNT XVI

Paragraphs 1-7 of Count XVI of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT XVII

Paragraphs 1-8 of Count XVII of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT XVIII

Paragraphs 1-8 of Count XVIII of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

COUNT XIX

Paragraphs 1-8 of Count XIX of the Complaint contain allegations against a Defendant other than Grant Callendar, and therefore no response from Defendant Grant Callendar is required.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Complaint fails to state a claim against Defendant Grant Callendar upon which relief may be granted.

Second Affirmative Defense

Defendant Grant Callendar states that there is no factual connection between any unconstitutional municipal custom, policy or practice and any alleged violation of the Plaintiff's constitutional rights.

Third Affirmative Defense

Defendant Grant Callendar states that at all relevant times, he acted in good faith and in accord with the Constitutions and laws of the United States and of the Commonwealth of Massachusetts.

Fourth Affirmative Defense

Defendant Grant Callendar states that the Plaintiff has not been deprived of any rights secured by either the Constitutions or the laws of the United States, or of the Commonwealth of Massachusetts.

Fifth Affirmative Defense

Defendant Grant Callendar states that the injury or damage alleged in Plaintiff's Complaint was neither caused nor proximately caused by him.

Sixth Affirmative Defense

Defendant Grant Callendar states that the Plaintiff, by his own acts, omissions, conduct and activities is estopped from asserting any claims against Defendant Grant Callendar.

Seventh Affirmative Defense

Defendant Grant Callendar states that the Complaint fails to state a claim entitling the Plaintiff to relief because he is entitled to qualified immunity.

Eighth Affirmative Defense

Defendant Grant Callendar states that the Complaint fails to state a claim entitling the Plaintiff to relief because the claim is barred under Heck v. Humphrey, 512 U.S. 477, 487 (1994).

JURY CLAIM

Defendant Grant Callendar demands a trial by jury on all claims.

Respectfully submitted,

DEFENDANT GRANT CALLENDAR,
Merita A. Hopkins
Corporation Counsel
By his attorneys:

/s/ Helen G. Litsas
Helen G. Litsas, BBO #644848
Thomas R. Donohue BBO #643483
Assistant Corporation Counsel
City of Boston Law Department
Room 615, City Hall
Boston, MA 02201
(617) 635-4023 - Litsas
(617) 635-4039 - Donohue

CERTIFICATE OF SERVICE

I hereby certify that on this day a true
copy of the above document was served
upon the plaintiff by mail/by hand/by fax.

11/2/05 /s/ Helen G. Litsas